

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

Project File Number, Description, and Location

PDC07-083 & PD07-089. Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District and Planned Development Permit to allow up to 64 multi-family residential units for senior affordable housing, over a 7,500 square-foot dental office and a podium garage on a 0.97 gross acre site, and subsequent permits located at the southeast corner of Southwest Expressway and Leigh Avenue. (Barry Mirkin, Owner / First Community Housing, Developer) Council District: 6

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

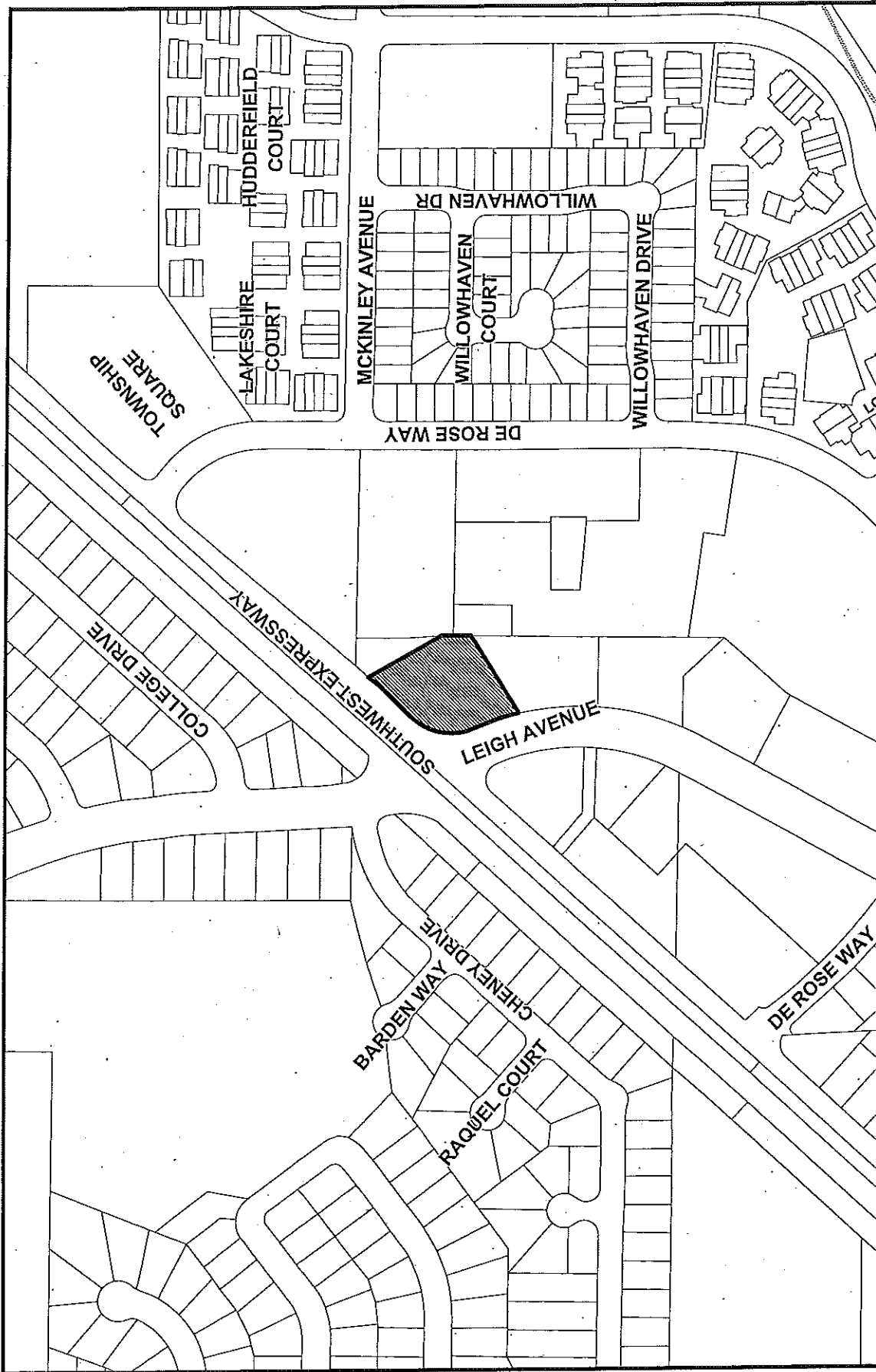
Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1,000 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **November 5, 2008**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **October 15** and ends on **November 5, 2008**.

A public hearing on the project described above is tentatively scheduled for **November 5, 2008 at 6:30 p.m.** in the City of San Jose Council Chambers, 200 East Santa Clara Street, San Jose, CA 95113. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the **Willow Glen Branch** Library, San José, CA, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp>. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Martina Davis** at (408) 535-3555.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: 10/15/08

S. Blum
Deputy



File No: PDC07-083, PD07-089

District: 6

Quad No: 98

Scale: 1"= 300'

Map Created On: 10/10/2007

Noticing Radius: 500 feet

1000



**DRAFT
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: First Community Housing Leigh Avenue Apartments

PROJECT FILE NUMBER: PDC07-083, PD07-089

PROJECT DESCRIPTION: Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District and Planned Development Permit to allow up to 64 multi-family residential units for senior affordable housing, over a 7,500 square-foot dental office and a podium garage on a 0.97 gross acre site, and subsequent permits

PROJECT LOCATION & ASSESSORS PARCEL NO.: Southeast corner of Southwest Expressway and Leigh Avenue (1030 LEIGH AV); 284-32-014

COUNCIL DISTRICT: 6

APPLICANT CONTACT INFORMATION: FIRST COMMUNITY HOUSING, Attn: Jeff Oberdorfer, 2 N 2ND ST SUITE 1250, SAN JOSE CA 95113

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

I. AESTHETICS – The project will not have a significant impact on this resource, therefore no mitigation is required.

II. AGRICULTURE RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

III. AIR QUALITY – The project will not have a significant impact on this resource, therefore no mitigation is required.

IV. BIOLOGICAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

V. CULTURAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

VI. GEOLOGY AND SOILS – The project will not have a significant impact on this resource, therefore no mitigation is required.

VII. HAZARDS AND HAZARDOUS MATERIALS – The project will not have a significant impact on this resource, therefore no mitigation is required.

VIII. HYDROLOGY AND WATER QUALITY – The project will not have a significant impact on this resource, therefore no mitigation is required.

IX. LAND USE AND PLANNING – The project will not have a significant impact on this resource, therefore no mitigation is required.

X. MINERAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

XI. NOISE –

- Maintain closed for noise control all windows and glass doors of living spaces within 108 feet of the centerline of Leigh Avenue and with a direct or side view of the road, or within 165 feet of the centerline of Southwest Expressway and with a direct or side view of the road. Install windows and glass doors rated minimum Sound Transmission Class (STC) 30 at these windows and doors. (Note: The windows that are specified to be closed can be operable, as this requirement does not imply a “fixed” condition.) All other windows of the project and all bathroom windows may have any type of glazing and may be kept opened as desired unless the bathroom is an integral part of a living space without a closeable door.
- Windows and doors shall be installed in an acoustically effective manner, in which the sliding window panels form an air-tight seal in the closed position and the window frames are caulked to prevent sound infiltration. Exterior doors must have an air-tight seal around the full perimeter when closed. The acoustical test report of all sound rated windows and doors should be reviewed by a qualified acoustician to ensure that the chosen windows and doors will adequately reduce traffic and rail noise to acceptable levels.
- Equip all units with forced air ventilation systems to allow the occupants the option of closing the windows to control noise and maintain an interior noise level of 45 DNL. Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to review the building plans for all units to ensure that interior noise levels can be sufficiently attenuated to 45 DNL to the satisfaction of the Director of Planning, Building and Code Enforcement.
- Install 42” high acoustically effective balcony railings, which will reduce the noise exposures in the balconies to no more than 65 dB DNL.

XII. POPULATION AND HOUSING – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIII. PUBLIC SERVICES – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIV. RECREATION – The project will not have a significant impact on this resource, therefore no mitigation is required.

XV. TRANSPORTATION / TRAFFIC – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVI. UTILITIES AND SERVICE SYSTEMS – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

PUBLIC REVIEW PERIOD


Before 5:00 p.m. on **November 4, 2008**, any person may:

Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: 10/15/08
Deputy



Adopted on: _____
Deputy

PUBLIC HEARING NOTICE

The Planning Commission and the City Council of the City of San José will consider a change in ZONING at a public hearing in accordance with the San José Municipal Code on:

Planning Commission Hearing
Wednesday, November 05, 2008
6:30 p.m.
City Council Chambers
City Hall
200 East Santa Clara Street
San Jose, CA 95113

City Council Hearing
Tuesday, December 02, 2008
7:00 p.m.
City Council Chambers
City Hall
200 East Santa Clara Street
San Jose, CA 95113

The project being considered is:

PDC07-083. Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 64 multi-family residential units for senior affordable housing, over a 7,500 square-foot dental office and a podium garage on a 0.97 gross acre site, located on the southeast corner of Southwest Expressway and Leigh Avenue (1030 LEIGH AV) (Barry Mirkin, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.

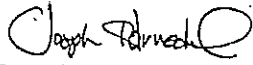
Reports, drawings, and documents are available for review from 9:00 a.m. to 5:00 p.m., Monday through Friday, and a draft staff report and recommendations will be available for review seven calendar days prior to the public hearing at:


Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113
(408) 535-7800
<http://www.sanjoseca.gov/planning/hearings/>

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-7800 or (408) 294-9337 (TTY) at least two business days before the meeting. Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Trung Nguyen ở số (408) 535-7883. Para información en Español acerca de esta solicitud, comuníquese con Juan Borrelli al (408) 535-7709.

** If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.*

Comments and questions are welcome and should be referred to the Project Manager, Martina Davis, at the e-mail address: martina.davis@sanjoseca.gov in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.


Joseph Horwedel, Director
Dated: October 03, 2008


Lee Price, MMC, City Clerk
Noticing Radius: 1000 ft

Part 5 of Chapter 20.120 of Title 20 of the SJMC sets forth the requirements and processes to file a formal protest against a proposed rezoning. Such protest must be made on a form provided by the Director of Planning and must be filed in the Department of Planning, Building and Code Enforcement by 5:00 p.m. on the fifth day before the City Council opens its public hearing on the proposal. Contact the Department of Planning, Building and Code Enforcement if you have any questions.